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**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

MARIA CERVANTES; MOISES VILLALOBOS, Plaintiffs, vs. WELL'S FARGO BANK,; and DOES 1-100 inclusive, Defendants.

} CASE NO.: 5:10-cv-05689-EJD  
} Assigned to: Hon. Edward J. Davila  
} ~~PROPOSED ORDER ON~~  
} DEFENDANT'S EX PARTE  
} APPLICATION FOR ORDER  
} SHORTENING TIME TO HEAR  
} DEFENDANT'S MOTION TO  
} DISMISS ACTION FOR FAILURE  
} TO TIMELY AMEND AND DELAY  
} IN PROSECUTION  
} [F.R.C.P. 41(b)]  
} Date: June 24, 2011  
} Time: 9:00 a.m.  
} Crtrm: 1, 5th Floor

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**TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:**

Defendant WELL'S FARGO BANK, NATIONAL ASSOCIATION, as Trustee under Pooling and Servicing Agreement Dated as of July 1, 2006 Securitized Asset-Backed Receivables LLC Trust 2006-FR3 Mortgage Pass-Through Certificates, Series 2006-FR3's, erroneously sued herein as WELL'S

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~~PROPOSED ORDER~~

1 FARGO BANK'S ("Defendant") ex parte application for order shortening time to  
2 hear Defendant's motion to dismiss the above-referenced matter is GRANTED for  
3 good cause shown. Defendant's motion to dismiss previously set for September 2,  
4 2011 is advanced to June 24, 2011 at 9:00 a.m. in Courtroom 1, Fifth Floor  
5 of the above-entitled Court located at 280 South 1<sup>st</sup> Street, San Jose, California  
6 95113. Plaintiffs' opposition is due by June 6, 2011. Defendant's reply is  
7 due by June 13, 2011.

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**IT IS SO ORDERED.**  
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10 May 24, 2011  
11 Dated: \_\_\_\_\_, 2011  
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14 Edward J. Davila  
15 United States District Judge  
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~~PROPOSED~~ ORDER

**CERTIFICATE OF SERVICE**

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss )

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 701 Palomar Airport Road, Suite 200, Carlsbad, CA 92011.

On May 23, 2011, I served the following document(s) described as follows:

**[PROPOSED] ORDER ON DEFENDANT'S EX PARTE APPLICATION  
FOR ORDER SHORTENING TIME TO HEAR DEFENDANT'S MOTION  
TO DISMISS ACTION FOR FAILURE TO TIMELY AMEND AND DELAY  
IN PROSECUTION**

On the following interested parties in this action:

Maria Cervantes  
Moises Villalobos  
92 Alexander Court  
San Jose, CA 95116  
*Plaintiffs in Pro Per*

- VIA FIRST CLASS MAIL**—CCP §§ 1013(a); 2015.5 and/or FRCP 5: By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above, and placing each for collection and mailing on the date following ordinary business practices. I am readily familiar with my firm's business practice and collection and processing of mail with the United States Postal Service and correspondence placed for collection and mailing would be deposited with the United States Postal Service at Carlsbad, California, with postage thereon fully prepaid that same day in the ordinary course of business.

I declare under penalty of perjury, under the laws of the United States that the foregoing is true and correct.

Executed on May 23, 2011, at Carlsbad, California.

Sondra Kilgore